

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

MANUEL MATEO-EVANGELIO, JAIME)	
TREJO-CARDONA, GILBERTO CERVANTES-)	
VEGA, REYNALDO VILLALOBOS-MARTINEZ,)	
EMILIO REYES, MARIA DE LOS ANGELES)	
GONZALEZ-ROMAN, RAMIRO CERVANTES-)	ORDER REGARDING
VEGA, FRANCISCO CARMELO MATIAS-)	FINAL CLASS NOTICE
CASTRO, PABLO GONZALEZ-ROMAN,)	AND METHOD OF
BENIGNO VILLAGOMEZ-GARCIA, and)	DISTRIBUTION
SERGIO NARCISO LOPEZ-JUAREZ, on)	
behalf of themselves and all other)	CLASS ACTION
and all other similarly situated)	
persons,)	
)	
Plaintiffs,)	
)	
v.)	
)	
TRIPLE J PRODUCE, INC., HOCUTT)	Civil Action No.:
BROTHERS, INC., HOCUTT FARMS, INC.,)	7:14-cv-302-FL
JUDY HOCUTT, JOEY M. HOCUTT, JAMES)	
MICHAEL HOCUTT, and M. JAY HOCUTT,)	
)	
Defendants.)	
)	

This case comes before the court on the parties' joint motion for approval of the final notice to class and collective action and their respective claim forms. [DE# 81]. In that same joint motion, the parties also seek the Court's approval of the method for distributing that notice and those claim forms to those same class and collective action members *Id.* The undersigned previously issued orders on January 14 and 25, 2016 approving two (2) Notices proposed by the parties as to the terms of the proposed settlement, opportunity to object,

opportunity to be excluded, and fairness hearing on the proposed settlement (DE##68 and 71). The approved notice was mailed to all prospective class members on or before February 17, 2016, and advised prospective class members of the nature of the action, the definition of the class, the class claims, issues and defenses, and of their right to object to the settlement. The previous Notices approved by the Court also recognized that an additional notice to prospective class members would have to be mailed following the Court's final approval of the settlement to advise all participating class and collective action members of the Court's final approval of the Settlement Agreement in this action and their right to make a claim(s) for the monetary benefits provided by that Agreement. See DE#68 at 10 (¶10), at 10 (¶10.A.2)), and at 11 (¶10.B.2)).

On June 6, 2016, at 10:00 a.m., the Court held hearing to consider objections received to the settlement from potential class members, and the parties then filed papers for final approval. The Court subsequently gave final approval to the settlement.

After careful consideration, the court APPROVES the attached Notice of Final Approval of Settlement, AWPAs and NCWHA Claims for settlement payment, and Consent to Sue FLSA Claim forms that are attached to that Notice. The proposed Notice of Final Approval, along with the AWPAs and NCWHA Claim forms for settlement payment and Consent to Sue FLSA Claim forms,

concisely and clearly state in easily understood language the prospective class member's right to participate in the settlement, the amount to which the prospective class or collective action member is entitled under the settlement, the method by which the prospective class or collective action member may make a claim for payment, and the binding effect of the class judgment on class members.

The Court also approves the method of serving that notice that the parties have proposed in their Joint Motion. That method calls for serving the notice by mailing both an English and Spanish language version of the Notice of Final Approval, AWPAs and NCWHA Claim forms for settlement payment, and Consent to Sue FLSA Claim forms to each class or collective action member who previously received the first notice. The mailing of the Notice of Final Approval Claim and Consent to Sue Forms will be handled by Simpluris, Inc., the third party administrator hired and paid for by the defendants who distributed the first notice to the class and collective action members that the Court approved, and operating under the supervision of plaintiffs' counsel. The proposed method to distribute that Notice and those Claim forms is consistent with that previously approved for use in other similar Rule 23(b)(3) class actions before the federal courts of this state and other federal courts within the Fourth Circuit. *See Decohen v. Abassi, LLC*, 299 F.R.D. 469, 478-79

(D.Md. 2014); *Vincente Jimenez-Orozco, et al. v. Baker Roofing Company, et al.*, Civil Action No. No.: 5:05-CV-34-FL (E.D.N.C. Order filed July 28, 2008)(copy attached), p. 5; and *Vincente Jimenez-Orozco, et al. v. Baker Roofing Company, et al.*, Civil Action No. No.: 5:05-CV-34-FL (E.D.N.C. Order filed March 5, 2008)(copy attached)(Gates, USMJ). They also appear to be reasonably calculated to provide the best notice practicable under the circumstances of this case. *Id.*

As proposed by the parties and approved by the Court, the Spanish translation of the Notice of Final Approval of Settlement and Claim and Consent to Sue Forms shall be prepared by defendants and approved by plaintiffs. The translator shall be federal court certified. The envelope containing the notices and forms shall state on the front in large letters in both English and Spanish "Court-Approved Notice." The return address on the envelope shall be the address of Simpluris, Inc., which shall be identified as "Notice Administrator for U.S. District Court." There shall be nothing other than the notice and the forms in each envelope. Notices to all putative class members identified as set forth above shall be mailed no later than thirty (30) days from the date that this Order is filed.

For the reasons and on the terms set forth above, the parties' joint motion for approval of final notice to class and

claims forms and for approval of method of distributing the same
[DE# 81] is ALLOWED.

SO ORDERED this the 15th day of September, 2016.



U.S. District Court Judge